

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

BNSF RAILWAY COMPANY, )  
Plaintiff, )  
v. )  
PAULINE MAGIN, et al., )  
Defendants. )  
No. 2:22-CV-68 RLW

## ORDER

This matter is before the Court on its review of the record. In the First Amended Complaint to Compel Arbitration (ECF No. 9), Plaintiff BNSF Railway Company (“BNSF”) alleges that Angelika Salazar is the next friend of N.N., a minor; Shaun Phan, is the next friend of A.P., a minor; and Thinh Mai, is the next friend of A.M. and A.M., minors. No party has filed a motion for appointment of next friend in this Court, nor have the parties alleged or provided evidence that Salazar, Phan, and Mai were appointed as next friends in another court.

*See Lechner v. Whitesell by Whitesell*, 811 S.W.2d 859, 861 (Mo. Ct. App. 1991) (citing *State ex rel. Marlowe v. Nolan*, 347 Mo. 124, 146 S.W.2d 598, 600 (1941) (“Merely alleging that Dana Michele Whitesell was the mother and next friend does not make her the next friend or guardian.”)).

Accordingly,

**IT IS HEREBY ORDERED** that the parties shall file motions for appointment of next friend or file documents demonstrating that Salazar, Phan, and Mai were appointed as next friends in another court no later than **Monday, October 24, 2022**, or this Court will impose sanctions, including possible dismissal of the minor defendants or striking of pleadings.

Dated this 5th day of October, 2022.



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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**